



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Ant

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,170	07/27/2000	Jean Pierre De Vries	3382-53710	9560

7590 02/12/2004

One World Trade Center
121 S W Salmon Street
Suite 1600
Portland, OR 97204

EXAMINER

VUONG, QUOCHIE B

ART UNIT	PAPER NUMBER
----------	--------------

2685

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/626,170

Applicant(s)

DE VRIES, JEAN PIERRE

Examiner

Quochien B Vuong

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6, 8-10, 12, 14, 18, 24, 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Fraccaroli (US 6,549,768).

Regarding claim 1, Fraccaroli (figures 1-2) discloses in a data communications network having a plurality of mobile personal inform devices (102) and at least one server computer (106), a method of providing a place-and-people based information service run on the at least one server computer to users operating the mobile personal information devices, comprising: defining for a user of the information service a list of people (column 8, lines 35-48); receiving reports of locations of the mobile personal information devices operated by the user and by the listed people (column 6, lines 60 – column 7, line 8; and column 9, line 50 – column 10, line 11); determining based on the reported locations which of the listed people are within a specified proximity of the user (column 10, lines 40-51); and transmitting information identifying which of the listed

people are within the specified proximity of the user to the user's mobile personal information device (column 10, lines 51-67).

Regarding claim 2, Fraccaroli discloses the method of claim 1 further comprising transmitting the information in response to a search request submitted by the user (column 9, lines 6-12).

Regarding claim 3, Fraccaroli discloses the method of claim 1 further comprising: detecting that the determination of which of the listed people are within a specified proximity of the user has changed as a result of any of the reports of locations; and transmitting the information in response to the detecting (column 9, line 50 – column 10, line 11).

Regarding claim 4, Fraccaroli discloses the method of claim 1 wherein the specified proximity is user controlled via setting a user-specified proximity parameter (column 9, lines 41-49).

Regarding claim 6, Fraccaroli discloses the method of claim 1 further comprising: user-controllably setting a notification enabling parameter to disable the transmitting the information to the user's mobile personal information device (column 10, lines 5-8).

Regarding claim 8, Fraccaroli (figures 1-2) discloses a place-specific buddy list service system operated on server computers of a distributed data communications network for access from personal data communications computers, the system comprising: a database maintaining a people/place state for a user of the service (105), the people/place state enumerating at least one group of people also using the service and locations of such people (102) (column 8, lines 35-48); a people location tracker

Art Unit: 2685

operating responsive to reports of the location of the people to update the people/place state (106) (column 6, line 60 – column 7, line 8; and column 9, line 50 – column 10, line 11); and an inference engine operating to process the people/place state to infer which of the people are in the user's proximity (107) (column 10, lines 40-51), and to generate a notification for the user having information identifying the people inferred to be in the user's proximity (column 10, lines 51-67).

Regarding claim 9, Fraccaroli discloses the system of claim 8 further comprising an eventing engine operating responsive to a change in the people/place state to cause the inference engine to process the inference and generate the notification (column 9, line 50 – column 10, line 11).

Regarding claim 10, Fraccaroli discloses the system of claim 8 further comprising a search engine operating responsive to a user-initiated search request to cause the inference engine to process the inference and to cause the notifier to generate the notification (column 9, lines 6-12).

Regarding claim 12, Fraccaroli discloses the system of claim 8 wherein the inference engine infers which people are in the user's proximity and generates the notification in accordance with a set of parameters, including a proximity scope parameter to control a scope within which the people are considered to be in the user's proximity (column 7, lines 9-23).

Regarding claim 14, Fraccaroli discloses the system of claim 8 wherein the inference engine infers which people are in the user's proximity and generates the notification in accordance with a set of parameters, the inference engine responding to

user selection of one of a plurality of user-defined modes specifying settings of the parameters to apply the parameter settings specified in the user-selected mode (column 9, lines 6-12).

Regarding claim 18, Fraccaroli (figures 1-2) discloses a computer-readable medium having programming carried thereon of an information service providing notifications as to proximity of listed persons, the carried programming comprising: program code operating responsive to user control to manage a listing of persons (column 8, lines 35-48); program code operating responsive to place-detecting equipment to track locations of the user and the listed persons (column 6, line 60 – column 7, line 8; and column 9, line 50 – column 10, line 11); program code operating to process the tracked locations and identify those of the listed persons whose locations correlate with that of the user in accordance with settings of a plurality of parameters (column 10, lines 40-51); and program code operating to provide information of the identified persons to the user (column 10, lines 51-67).

Regarding claim 24, Fraccaroli (figures 1-2) discloses a method of facilitating group communications, comprising: storing data defining a group of persons and their locations (column 8, lines 35-48); continually updating the data with persons' current locations (column 6, line 60 – column 7, line 8; and column 9, line 50 – column 10, line 11); continually processing the data to identify at least one subset of the group whose locations correlate to within a given proximity (column 10, lines 40-51); providing notifications to those, in the at least one subset, the notifications including a reference to

Art Unit: 2685

a group communications medium session for use by an individual in the at least one subset to establish a connection to the session (column 10, lines 51-67).

Regarding claim 25, Fraccaroli discloses the specified proximity is a measure of distance from the user (column 7, lines 9-23).

3. Claims 31-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Tendler (US 6,519,463).

Regarding claim 31, Tendler (figure 1) discloses in a data communications network having a plurality of mobile personal inform devices (10) and at least one server computer (50), a method of providing a resource information service run on the at least one server computer to users operating the mobile personal information devices, comprising: defining for a user of the information service a list of resource (column 1, lines 52- 55); receiving reports of locations of the listed resources and a mobile personal information device operated by the user (column 1, lines 55-63); determining based on the reported locations which of the listed resources are within a specified proximity (nearest) of the user (column 1, lines 55-63); and transmitting information identifying which of the listed resources are within the specified proximity of the user to the user's mobile personal information device (column 1, lines 55-63; column 2, lines 9-18), wherein the resources are resources other than people (column 2, lines 5-8).

Regarding claim 32, Tendler discloses transmitting the information in response to a search request submitted by the user (column 1, lines 52-55).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 7, 11, 15, 22, 23, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraccaroli in view of Granstam et al. (US 6,587,691).

Regarding claims 5, 11, 23, and 29, Fraccaroli fails to disclose maintaining visibility parameters per each of the listed people; and omitting to identify those of the listed people whose visibility parameter is set to not visible from the transmitted information. However, Granstam et al. disclose a user of a mobile communication device can set a parameter not to show the user's location (invisible) (see figure 6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to adapt the teaching of Grandstam et al. to the method of Fraccaroli to protect people privacy.

Regarding claims 7 and 22, Fraccaroli fails to disclose defining for the user a plurality of groups of the listed people; designating for the user to receive the information of a subset of the groups; and excluding those of the listed people not in the designated subset from identification in the transmitted information. However, Granstam et al. disclose a buddy list having a plurality of groups (i.e., friends or colleagues) (column 10, lines 19-24). Therefore, it would have been obvious to one having ordinary

skill in the art at the time the invention was made to adapt the teaching of Grandstam et al. to the method of Fraccaroli to keep track of just a specific group.

Regarding claim 15, Fraccaroli fail to disclose the parameters comprise a visibility parameter controlling whether the user is to be included for purposes of generating notifications to other people using the system, a proximity scope parameter controlling a scope within which the people are considered to be in the user's proximity, and people selection parameter designating a subset of the at least one group of people to include in the notification to the user. However, Granstam et al. disclose a user of a mobile communication device can set a parameter not to show the user's location (unvisible) (see figure 6); and a buddy list having a plurality of groups (i.e., friends or colleagues) (column 10, lines 19-24). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to adapt the teaching of Grandstam et al. to the method of Fraccaroli to protect people privacy and keep track of just a specific group.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fraccaroli in view of Tendler (US 6,519,463).

Regarding claim 13, Fraccaroli does not disclose the inference engine further operates to infer resources other than the people are in the user's proximity, and to include information of such resources in the notification. However, Tendler discloses requesting resources other than people in the user's proximity (nearest to the user) and including information of such resources in the notification (column 1, lines 52-64).

Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Tendler to Fraccaroli for providing information of the requested resources in the user's proximity to the user.

7. Claims 16, 17, 19-21, 26-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraccaroli.

Regarding claims 16, 17, 19, and 21, Fraccaroli does not disclose the inference engine infers which people are in the user's proximity and generates the notification in accordance with a set of parameters, the value of at least one of the parameters varying by place or time. However, it would be obvious for the inference engine of Fraccaroli to infer which people are in the user's proximity and generates the notification in accordance with the value of at least one of the parameters varying by place or time, when user is out of town or country and during night time when the user does not need to be notified.

Regarding claim 20, since Fraccaroli discloses the listed people are people with the same business or personal interests (column 8, lines 33-46), therefore, it would be obvious that program code operating to apply parameter settings specific to an activity in which the user is engaged to the identification of those of the listed persons whose locations correlate with that of the user.

Regarding claims 26-27, Fraccaroli discloses the specified proximity if not inherent it would be obvious to be a hierarchical proximity or a specified venue (column 7, lines 9-23; and column 8, lines 33-46).

Regarding claim 28, Fraccaroli discloses the listed people are people with the same business or personal interests (column 8, lines 33-46), therefore, it would be obvious that the listed of people in the method of Fraccaroli are people traveling to a common destination.

Regarding claim 30, Fraccaroli discloses at least one of the plurality of user-defined modes is selected with the same personal interests (column 8, lines 33-46), therefore, it would be obvious that the at least one of the plurality of user-defined modes in the method of Fraccaroli is selected by the system based on observation of user behavior.

8. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tendler.

Regarding claim 33, Tendler discloses the method of claim 31, and further it would be obvious for the user to set a user-specified proximity parameter of the resource when the user ask for the resource (column 1, line 64 – column 2, line 3).

Response to Arguments

9. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

10. Examiner agrees with the Applicant that the rejections in view of Degnbol in the previous Office action should have been under 35 U.S.C § 102 (a) instead of 35 U.S.C § 102 (e). However, the rejections of the previous Office action are withdrawn in view of the Declaration filed 11/10/03 (paper # 8).

Conclusion

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

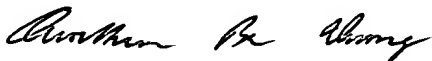
Hand-delivered responses should be brought to Crystal Park II, 2021

Crystal Drive, Arlington, VA 22202. Sixth Floor (Receptionist).

Any inquiry concerning this communication from the examiner should be directed to Quochien B. Vuong whose telephone number is (703) 306-4530. The examiner can normally be reached on Monday through Friday from 9:30 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377.



**QUOCHIEN B. VUONG
PRIMARY EXAMINER**

Quochien B. Vuong

Feb. 05, 2004.